

No. 4, S.]

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CHAPTER 377

AN ACT to repeal and recreate 21.02, as renumbered by chapter 68, laws of 1955; and to create 46.03 (16), 93.06 (3a) and 140.05 (14) of the statutes, relating to civil defense, and providing penalties.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 21.02 of the statutes, as renumbered by chapter 68, laws of 1955, is repealed and recreated to read:

21.02 CIVIL DEFENSE. (1) POLICY. To insure that the state and its subdivisions and municipalities will be prepared and able to cope with disasters during periods of armed conflict, to protect the public peace, health and safety, and to preserve the lives and property of the people of the state, it is declared necessary to confer upon the governor the powers provided in this section.

(2) EMERGENCY; ALERT. When the governor finds that a disaster due to an act of war is imminent or has occurred, he may proclaim that a state of emergency exists in the state or in any part thereof, and shall call the legislature into special emergency session. A copy of the proclamation shall be filed with the secretary of state. The governor shall revoke the proclamation by order, or the legislature may revoke the proclamation by joint resolution, whenever either shall deem it appropriate.

(3) ORGANIZATION. (a) Director of civil defense. The governor shall appoint and fix the compensation of the state director of civil defense, hereafter called the director, to serve at the convenience of the governor. The governor may appoint the adjutant general as director of civil defense.

(b) State civil defense council. There is hereby created a state civil defense council to consist of the state civil defense director, who shall be chairman, state civil defense co-directors, 2 members of each house of the legislature appointed as are standing committees in the respective houses and representatives of state departments appointed by the governor to serve at his pleasure. Legislative members of the council shall be paid their actual and necessary expenses to attend to their official duties. The council shall meet quarterly and at such other times as the chairman shall direct. The civil defense council is established to counsel the director in civil defense matters.

(c) Powers and duties of director. The director of civil defense, under the direction of the governor, is responsible for state activity in the program of civil defense. To this end he shall have authority subject to approval of the governor, and without restriction because of enumeration, to:

1. Employ such assistants and name such co-directors as he deems necessary to carry out the functions of this section without regard to ch. 16.

2. Promulgate minimum standards consistent with population, location and vulnerability of municipalities and counties, to be used in the preparation of civil defense plans.

3. In case of attack, emergency, federal alert or for test runs, prescribe traffic control (air, land and water) in the state or parts thereof.

4. Designate and post highways to be civil defense and military roads which shall be closed to all but authorized vehicles in case of attack, emergency, federal alert or for test runs.

5. The director subject to approval of the governor may organize and train state mobile support units composed of such volunteer personnel and equipment as he deems necessary, including the power to engage in practice operations and to assist municipalities and counties, and such state mobile support units may engage in emergency or training operations outside of the state in accordance with mutual aid agreements.

6. Notwithstanding any other law, in case of attack, he may in the interests of the safety and health of the people take, use or destroy real or personal property required in the performance of his duties, and the taking of such private property pursuant to this section whether for temporary or permanent use or for destruction, shall be in the name of and payment for it shall be made in the name of the state. Whenever possible an appropriate record shall be made of such action, and a copy provided to the owner, and such record shall constitute a claim against the state.

(d) *Regional plans.* The director may organize the state into regions of suitable size for the purpose of establishing co-ordinated plans of mass evacuation and support of these plans, and for such other emergency services as are deemed appropriate and shall designate the persons to direct such activities.

(e) *Local civil defense.* 1. The governing body of each town, city and village shall establish a civil defense organization under a director. Unless such governing body shall otherwise provide, the chairman, mayor or president, shall be civil defense director ex officio. The state director shall furnish guidance to the development and co-ordination of local organizations. Each municipal director shall be responsible for the organization, administration and operation of the local civil defense organization, subject to the direction and control of the chief executive and the governing body of such political subdivisions.

2. Each county board shall appoint a county co-ordinator who shall co-ordinate all civil defense matters within the county and shall have the duty of integrating with the state plan the facilities contained within the county and the facilities of the county government and who shall co-ordinate the local civil defense organizations with respect to the integration of those functions of such local civil defense organizations with the state plan and shall assist and co-operate in providing such integration.

3. "Municipality" as used in this section shall include a town, city or village unless the context shall plainly indicate otherwise.

4. Every municipality and county may appropriate funds or levy taxes for civil defense.

5. Each municipal governing body shall provide warning devices in accordance with standards set by the state director, and such devices shall be connected to the state attack warning system.

6. Each municipality shall, upon request of the director, take part in test exercises.

7. To co-ordinate preparations throughout the state, the state director may direct governmental units of lesser target value to emphasize the relief of others through welfare service or other appropriate specified planning and training as the major objective of their local civil defense organization, and may allocate available funds to accomplish this purpose.

(f) *Utilization of existing services and facilities.* In carrying out their functions under this act, the state and each political subdivision of the state shall utilize, so far as possible, the services, equipment, supplies and facilities of existing agencies of the state and of the political subdivisions thereof. All such agencies and the personnel thereof, shall co-operate and extend such services, equipment, supplies and facilities as are required of them.

(g) *Mutual aid agreement.* The governor may, on behalf of the state, enter into mutual aid agreements with bordering states. Any municipality and county by action of its governing body may contract with other municipalities and counties of this state or any bordering state for the giving or receiving of services, or both, in civil defense matters. Copies of all such agreements shall be filed with the state director of civil defense.

(h) *Gifts or grants.* The governor may accept gifts or grants to the state from any source for the purpose of civil defense and may authorize any officer of the state, or municipality or county thereof, to receive such services, equipment, supplies, materials or funds. If the grants are based upon a matching agreement providing for municipal or county participation, the state may transfer the title to equipment acquired through municipal or county participation in such agreement to the municipality or county.

(4) PERSONNEL. (a) *Political activity.* No organization for civil defense established under the authority of this section shall participate in any form of political activity, nor shall it be employed directly or indirectly for political purposes, nor shall it be employed in a legitimate labor dispute.

(b) *Disloyalty.* No person shall be employed or associated in any capacity in any civil defense organization established under this section who advocates a change by force or violence in the constitutional form of the government of the United States or in this state or the overthrow of any government in the United States by force or violence, or who has been convicted of or is under indictment or information charging any subversive act against the United States.

(c) *Employer-employee.* Each civil defense unit shall be designated by the name of the state of Wisconsin or of the sponsoring municipality or county thereof. Members of the unit who are not acting as employees of a private employer during civil defense activities shall be deemed employees of the sponsoring state, municipality or county thereof and are then eligible for workmen's compensation benefits from each sponsor.

(d) *Place of employment.* Employment may be anywhere in or out of the state, including test runs authorized by the governor, and shall, in the case of actual disaster, include every person who is a duly recognized member of an organized civil defense unit.

(e) *Pay.* Civil defense employees as such shall receive no pay unless specific agreement for pay is made. If no agreement for pay is made, or if the contract rate is less, pay for workmen's compensation purposes shall be computed at \$2,080 per annum.

(f) *Indemnification of employee.* Civil defense employees shall be indemnified by their sponsor against any tort liability to third persons incurred in the scope of civil defense activity where acting in good faith. Civil defense activities shall be deemed and shall constitute a governmental function.

(g) *State reimbursement.* If the total liability for workmen's compensation benefits, indemnification under par. (d) and loss under par. (e) incurred in any calendar year exceeds \$1 per capita of the sponsor's population, the state shall reimburse the sponsor for such excess. Payment shall be made from the appropriation in s. 20.034 (3) on certificate of the director of civil defense.

(5) DESTRUCTION OF EQUIPMENT. The sponsor shall bear any loss arising from damage to, or destruction of, its equipment.

(6) POWERS OF PEACE OFFICERS. From the time of the transmittal of the federal alert until the expiration of the emergency, any peace or traffic officer of a county, city, village or town, when engaged in traffic control, escort duty or protective service in connection with such alert or emergency and during test runs, may carry out such duties at any point within the state, subject to the direction and control of the director through the sheriff of each county concerned.

(7) PENALTIES. Whoever knowingly and wilfully fails to comply with this section or the directives of the civil defense authorities promulgated pursuant thereto during a federal alert or emergency and during test runs may be fined not less than \$100 nor more than \$500 or imprisoned not more than 90 days or both.

(8) NOT TO AFFECT AMERICAN NATIONAL RED CROSS. Nothing contained in this section shall limit or in any way affect the responsibilities of the American National Red Cross as authorized by congress.

SECTION 1a. 46.03 (16) of the statutes is created to read:

46.03 (16) (STATE DEPARTMENT OF PUBLIC WELFARE) EVACUATION UPON ATTACK. Plan and provide for the evacuation of inmates of charitable and penal institutions in the case of mass evacuation due to enemy attack and for the mass care of evacuees in public and private facilities and for payment for the use of facilities and supplies.

SECTION 2. 93.06 (3a) of the statutes is created to read:

93.06 (3a) (DEPARTMENT OF AGRICULTURE) RATION PLAN. Under the authority vested in it under sub. (3) the department shall prepare and publish a plan for a food and fuel priority and rationing system to be put into effect by the department on order of the governor if necessary whenever any mass evacuation of people occurs as a result of a federal alert or declaration of an emergency.

SECTION 3. 140.05 (14) of the statutes is created to read:

140.05 (14) (STATE BOARD OF HEALTH) FUNCTIONS UPON EVACUATION. To meet problems resulting from the mass movement of people, the state board of health shall make plans for the establishment and operation of emergency sanitary facilities, water supply, and medical care in areas to which mass evacuations may be directed, provide materials and supplies for such activities, and carry out such functions in case of test or enemy-provoked mass evacuation.

Approved July 14, 1955.
